

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PAR PHARMACEUTICAL, INC., PAR
STERILE PRODUCTS, LLC and ENDO
PAR INNOVATION COMPANY, LLC,

Plaintiffs,

v.

AMPHASTAR PHARMACEUTICALS INC.,

Defendant.

C.A. No. 18-cv-2032-CFC

PAR PHARMACEUTICAL, INC., PAR
STERILE PRODUCTS, LLC and ENDO
PAR INNOVATION COMPANY, LLC,

Plaintiffs,

v.

AMNEAL PHARMACEUTICALS GMBH,
AMNEAL PHARMACEUTICALS OF NEW
YORK, LLC, AMNEAL BIOSCIENCES
LLC, and AMNEAL PHARMACEUTICAL
PVT. LTD,

Defendants.

C.A. No. 19-cv-712-CFC

PAR PHARMACEUTICAL, INC., ENDO
PAR INNOVATION COMPANY, LLC, and
PAR STERILE PRODUCTS, LLC,

Plaintiffs,

v.

AMERICAN REGENT, INC.,

Defendant.

C.A. No. 19-cv-1490-CFC

STIPULATION AND [PROPOSED] ORDER FOR CONSOLIDATION

WHEREAS Plaintiffs Par Pharmaceutical, Inc., Par Sterile Products, LLC and Endo Par Innovation Company, LLC have asserted United States Patent Nos. 9,744,209 (“the ’209

Patent”) and 9,750,785 (“the ’785 Patent”) against Amneal Pharmaceuticals Company GMBH, Amneal Pharmaceuticals of New York, LLC, Amneal Biosciences LLC, Amneal Pharmaceutical Holdings Company LLC and Amneal Pharmaceuticals Pvt. Ltd. (“Amneal Defendants”) in Civil Action No. 19-cv-712-CFC concerning Amneal’s proposed generic Vasopressin Injection USP, 200 units/10 mL (20 units/mL) product as described in its ANDA No. 212945 and its proposed generic Vasopressin Injection USP, 20 units/1 mL (20 units/mL) product as described in its ANDA No. 212944, both referencing Par’s VASOSTRICT® products as the reference listed drug;

WHEREAS Plaintiffs have asserted the ’209 Patent, the ’785 Patent, and United States Patent Nos. 9,375,478 (“the ’478 Patent”), 9,687,526 (“the ’526 Patent”), 9,744,239 (“the ’239 Patent”) and 9,937,223 (“the ’223 Patent”) against Amphastar Pharmaceuticals, Inc. (“Amphastar”) in Civil Action No. 18-cv-2032-CFC concerning Amphastar’s proposed generic Vasopressin Injection USP, 20 units/1 mL vial product as described in its ANDA No. 211857 referencing Par’s VASOSTRICT® products as the reference listed drug;

WHEREAS Plaintiffs have asserted the ’209 Patent, the ’785 Patent, the ’478 Patent, and the ’526 Patent against American Regent, Inc. (“American Regent”) in Civil Action No. 19-cv-1490-CFC concerning American Regent’s proposed Vasopressin Injection USP, 20 units/1mL (20 units/mL) product as described in its NDA No. 212593 referencing Par’s VASOSTRICT® products as the reference listed drug; and

WHEREAS, the parties agree that the above-captioned Civil Actions be consolidated for all purposes, including trial.

IT IS HEREBY STIPULATED AND ORDERED THAT:

1. Civil Action Nos. captioned above are consolidated for all purposes, including trial, subject to further order of the Court.
2. Action No. 18-cv-2032-CFC should be the Lead Case and all filings going forward shall be filed in Civil Action No. 18-cv-2032-CFC.
3. Counsel for Plaintiffs and Defendants who have been admitted *pro hac vice* in Civil Action Nos. 19-cv-712-CFC and 19-cv-1490-CFC shall be deemed admitted *pro hac vice* in Civil Action No. 18-cv-2032-CFC.
4. For purposes of Civil Action Nos. 19-cv-712-CFC and 19-cv-1490-CFC, the parties adopt their previously-served disclosures, contentions, claim construction positions, and filings, to the extent there are any, and may rely on any and all assertions and positions therein for purposes of any appeal.

The undersigned counsel of record jointly request that the Court enter the proposed Protective Order attached hereto as Exhibit A and the proposed Scheduling Order attached hereto as Exhibit B as orders of the Court. For the proposed Scheduling Order, the parties respectfully request that the Court set dates for the claim construction hearing, pretrial conference, and trial in Paragraphs 11, 17, and 21, respectively. The attached Exhibits A and B supersede the prior Protective Order (D.I. 26) and Scheduling Order (D.I. 13) entered in Civil Action No. 18-cv-2032-CFC. The attached Exhibit A shall also supersede the prior Protective Order (D.I. 26) entered in 19-cv-712-CFC.

Dated: September 25, 2019

Respectfully submitted,

FARNAN LLP

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SO ORDERED, this ____ day of September, 2019.

The Honorable Colm F. Connolly
United States District Court Judge